

“business model” (re claims 1, 22;)

“standards of operation” (re claims 2, 23;)

“professional management” (re claims 3, 27;)

10 “organization and comprehensiveness” (re claims 4, 28;) and

“more than simply geographic” (re claims 21, 36)

(1) are all described in the specification, including the claims as originally filed, in such a way as to reasonably convey to one skilled in the relevant art that the inventor had possession of the claimed invention at filing, and (2) are sufficiently definite to particularly point out and distinctly claim.

15 Applicant directs attention to the following portions of the Specification, without limitation.

In the specification, in regard to “business model,” see page 5 lines 15 to 23; page 5 line 28 to page 6 line 9; page 6 line 18 to page 7 line 21; and page 12 lines 13-17.

In regard to “standards of operation” see page 15 lines 13-17 and page 19 lines 1-4.

20 In regard to “professional management” see page 6 line 18; page 11 lines 9-12; and page 19 lines 24-26.

In regard to “organization and comprehensiveness,” please see page 5 line 16 – 22 and page 6 lines 3-9.

25 Referring to the published application, in regard to discussion of the business model in the specification, , see in particular paragraphs 0005 and 0015 as to the drawbacks of the prior art that do not have a business model, as above identified. Under Summary of the Invention see in particular paragraphs 16 – 23. Paragraph 16 is particularly relevant in regard to the imposition of a business plan or model on the CDWs and aspects of such plan. Paragraphs 17, 20, 21, 22 and 23 are also particularly pertinent. Under Detailed Description of the Preferred Embodiments paragraphs 81 and 88 are pertinent. See also paragraphs 114, 121 and 129. Under the examples, see paragraph 135. Standards of operation imposed
30 by the business model or plan on a CDW are discussed in paragraphs 16, 18, and 20. Operating standards as part of the business model imposed on the CDWs are discussed in paragraph 88. Standards provided by the business model is also discussed in paragraph 129. Professional management is referred to as part of the business plan and model imposed on the CDWs in paragraph 135. Organization and comprehensiveness is discussed in paragraph 16 and 18. Up-to-dateness is discussed in paragraph 14.

35 See in particular the claims as originally filed wherein claims 2-21 recite 15 examples of features that may be part of and included in a business model imposed on at least the CWs. Four of those features are listed as features of “standards of operation.” (The method claims 22-36 are analogous.)

The inventor would like to mention that while sometimes in the industry “business model” may be used to refer to how a business makes money while “business plan” may be used to refer to how a

business operates, the instant specification has used “business model” in the claims and the phrase “business model” or plan in the written description to refer to both. The claim’s use of “business model” refers both to revenue schemes and operational schemes.

10 Specifically, the business model or plan in the specification addresses comprehensiveness, economics of the system, user standards including design, technology and content to attract and retain viewers, and advertising embodiments (page 5, lines 19-22). The business model or plan might include elements intended to attract and retain users affinity, such as relevant category definitions, common, uniform and user friendly organizational structure for the directories; requirements of comprehensiveness
15 for securing a sufficient number of and percent of participating websites taking into consideration the nature of the category, minimum standards for updating website references, including adding new websites and deleting no longer viable sites; and quality standards for requiring a certain quality of presentation for participating websites. (page 6, lines 3-9) Profitable, independent businesses organized to manage each category under the general guidance of the System and a business plan or model is
20 discussed. (page 7, line 9) According to preferred business models or plans, the Directory Websites at least list, and preferably help manage and promote the web pages within their domain and provide appropriate value added services and cutting edge technology to their clients, preferably on a cur-rate fee for service basis.” (page 11, lines 9-11) “Professional management” is discussed in the specification on page 19, line 25. Organization is discussed in the specification on page 7, line 14-15: “At least one DP
25 should be encouraged or mandated by the System or business plan or model to exhaustively develop CDWs to cover all relevant categories.” The business model or plan might include elements intended to attract and retain users affinity, such as relevant category definitions, common, uniform and user friendly organizational structure for the directories; requirements of comprehensiveness for securing a sufficient number of and percent of participating websites taking into consideration the nature of the category.
30 (page 6, lines 3-9) Completeness is discussed in the specification on pages above.

Terms in the claim are to be interpreted in light of the specification. “Professional management” is particularly pertinent as contrasted with the prior art scheme wherein non-professional volunteers managed directory sites. “Comprehensiveness” and “up-to-dateness” related also to prior art systems. Prior art systems as indicated in the background of the invention section lacked comprehensiveness and
35 lacked up-to-dateness, or their standards of comprehensiveness and up-to-dateness varied widely and frequently fell below a desirable minimum level. Claims 4 and 28 have been modified to lump organization and comprehensiveness together. They are companionable terms.

As disclosed in the specification, a business model or plan operates at several levels. Portions of the business model or plan apply to the System as a whole. Portions of the business model or plan relate

to directory providers. Portions of the business model or plan relate to the category directory websites. Portions of the business model or plan related to the websites. Claim 1 recites “a business model imposed on at least the CDWs.” One of ordinary skill in the art would understand that this refers to portions of a business plan or model relevant to the CDWs as discussed in the specification.

Black’s Law Dictionary definition of franchise is attached and is relevant. In the third paragraph it can be seen that a franchise permits a business to sell a product or service under the name of the franchisor (mark) and that the franchisee agrees to conduct business in accordance with methods and procedures prescribed by the franchisor. The methods and procedures prescribed by the franchisor and imposed on the franchisees are referred to as a business plan or model. See also the attached section from a Franchising treatise relating to “imposing a business model,” in particular page 1 of these. The business plan or model imposed on the CDWs would be understood by those of skill in the art to be analogous to the business plan or model imposed upon a franchisee by a franchisor.

The instant invention falls within the general field of business management and the organization of business enterprises. To those in the art of business management and the organization of business enterprises, phrases such as “imposing a business model” and “wherein the business model includes standards of operation” and “wherein a standard of operation includes professional management” and “wherein a standard of operation includes organization and comprehensiveness” convey definiteness and meaning. Applicant submits that the specification sufficiently describes business model and the related subsidiary concepts of standards of operation, professional management, organization, comprehensiveness and more than simply geographic such that one skilled in the art, which art is a subset of the field of the management and organization of business enterprises, would be appraised that the inventor had possession of the claimed invention.

In regard to “cutting edge technology” please see page 9 line 2 and page 10 line 1; page 20 lines 5-11; and page 21 lines 2-4. Applicant submits that “cutting edge technology” may be a relative term but it does not render the claim “impermissibly indefinite.” New technology is discussed in paragraph 123. Other expensive new technology is discussed in paragraph 136. Cutting edge technology is mentioned in paragraphs 55-60. Applicant submits that those of skill in the art would understand the meaning of the term and that the term is among other relative terms that receive patentable weight.

The phrase “more than simply geographic” is used to distinguish the instant invention from the *Yellow Pages* example of the prior art discussed in the background section. It is well recognized that the *Yellow Pages* are organized geographically. Claim 22 recites an upper level provider’s dictionary of fields, super-categories and categories. Claim 36 further recites that the category and at least one field and/or super-category or both are more than simply geographic. The specification refers to the electronic

yellow pages as known in the prior art. Yellow pages are organized geographically. Claim 36 gives notice that the categories and at least one field or subcategory are both other than, or more than, simply geographic. One of ordinary skill in the art would appreciate that a geographic category or field would be a category or a field limited to a geographic area. Applicant respectfully submits that the subject matter of claims 21 and 26 reasonably convey to one skilled in the relevant art that applicant had possession of the invention as claimed, especially since the invention as claimed was included in the specification as filed. Applicant further submits that in the context of the written description the phrase “more than simply geographic” has sufficient definition. “More than simply geographic” is not indefinite in the context of the specification.

In regard to TLD please see page 12 lines 23-27 and page 13 lines 9-10. It is well recognized in the industry that TLD refers to top level domain. Applicant submits that those of skill in the pertinent art would understand the widely used acronym TLD.

In conclusion, applicant submits that there can be no doubt that the inventor was in possession of the invention as claimed on the filing date. Applicant further submits that the rejected claim terms, when read in light of the specification as a whole and interpreted in light of the understanding of one of skill in the pertinent art, are sufficiently definite.

Rejection Under §103

The independent claims are claims 1 and 22. Claim 1 is a system claim. Claim 22 is a method claim.

In regard to independent claims 1 and 22 the Examiner cites PriceWatch for the limitations of:

Claim 1

“the CDWs being identified as category directory websites participating in the system by at least a mark or a URL portion” (“mark” limitation) and

“a business model imposed on at least the CDWs;” (“business model” limitation)

Claim 22

“adopting a URL portion or a mark identifying said directory website as a participating category directory website” (“mark” limitation) and

“abiding by a system business model imposed on said category directory website.” (“business model” limitation)

For the “mark” limitation (identifying the website as a participating category directory website) the Examiner cites PriceWatch page 3. For the “business model imposed on at least the CDWs” limitation the Examiner cites PriceWatch pages 4-5.

Applicant does not find the "mark" limitation indicating participation in the system or the "business plan imposed on the CDW" limitation on either page 3 or pages 4-5 of PriceWatch. Applicant submits that the limitations are not taught by PriceWatch.

10 Applicant requested clarification in a phone conference as to where exactly on page 3 and/or on pages 4-5 the Examiner found these limitations. The Examiner could not clarify the items in the phone conference. See attached interview summary.

PriceWatch might impose a business plan or model on its websites but this is not what the claim recites. The Examiner requested that this point applicant's attorney raised in the phone interview be
15 made in the Response.

In light of the absence of the finding of the two recited limitations in PriceWatch, the limitations being in all of the independent claims and missing from the primary reference, applicant submits that all claims are allowable without more.

Reconsideration and further examination is respectfully requested.


20 Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Sue Z. Shaper, Applicants' Attorney at 713 550 5710 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be
25 in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

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Date



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CLAIM AMENDMENT SHEETS